

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

November 15, 2004

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Associate Planner

Mark DePoe, Long Range Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing "JOINT"
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

TITLE: SDP-04-002

Amendment to the Approved Schematic Development Plan SDP-7-1, Market Square, Parcel A, Block WW, Building J From 6,000 Square Feet of Retail Land Use to Restaurant Use, and the Addition of 6,200 Square Feet of Restaurant Use at Parcel A, Block TT, Building K.

SUPPORTING BACKGROUND:

The Beatty Companies, has submitted this proposal to amend Schematic Development Plan 7-1, known as Kentlands/Lakelands Market Square. The applicant is requesting to change the approved use for Building J, located at 653 Center Point Way, from retail to restaurant. Additionally, the applicant is requesting the addition of Building K, which is proposed to be 6,200 square feet of restaurant. This new building will be located at 901 Center Point Way (Exhibit #6).

The application proposes a change to the approved parking requirements for Market Square. The applicant has outlined the proposal in a letter and a chart explaining the parking requirements based on a modified calculation (Exhibits #12 and #13).

Staff is recommending that the Mayor and City Council and Planning Commission hold the record open indefinitely. Staff is prepared to schedule a work session if desired.

Attached:

See Index of Memoranda

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	10/22/2004
	10/27/2004
Hearing Date	11/15/2004
Record Held Open	
Policy Discussion	

DESIRED OUTCOME:

Hold Public Hearing. Keep Record Open Indefinitely. Provide guidance on work sessions.

**Index of Memoranda
SDP-04-002 (Amendment to SDP 7-1)
Kentlands Market Square**

Number	Exhibit
1.	Application
2.	Letter from Gary Unterberg, dated August 13, 2004
3.	Parking Count Study for Kentlands/Lakelands, Market Square, dated May 13, 2004
4.	Parking Inventories Datasheet, dated August 13, 2004
5.	SDP-7-1 Amendment Cover Sheet
6.	SDP-7-1 Amendment Site and Storm Water Drainage Plan
7.	SDP-7-1 Amendment Site and Storm Water Drainage Details
8.	SDP-7-1 Amendment Landscape Plan
9.	SDP-7-1 Amendment Landscape Details
10.	Vicinity Map
11.	Record Plat 110 - Kentlands Market Square, Parcel A, Block TT
12.	Record Plat 111 – Kentlands Market Square, Parcel A, Block WW and XX
13.	Letter from Gary Unterberg, dated November 8, 2004
14.	Market Square Kentlands Parking Requirements, November 8, 2004
15.	Parking Count Study for Kentlands/Lakelands, Market Square, dated November 8, 2004
16.	Proposed Parking Scenario, dated November 8, 2004
17.	Public Hearing notice, sent October 29, 2004 to required parties
18.	Notice to include legal ad for Joint Public Hearing, in the October 22 and October 27 issues of the <i>Gaithersburg Gazette</i>

SITE PLAN APPLICATION

In accordance with Article III, Division 19, Section 24-160 D.9
and Article V of the City Code

Application #	SDP-04-002
Date Filed	8-17-04
Total Fee	8,000

CONCEPT PRELIMINARY FINAL (MXD FEE APPLIES) SCHEMATIC DEVELOPMENT

1. SUBJECT PROPERTY

Project Name Kentlands Market Sq. SD7-1 Revision _____
 Street Address _____
 Zoning MXPD Historic area designation Yes _____ No X
 Lot Parcel A Block TT & WW Subdivision Market Square
 Tax Identification Number **(MUST BE FILLED IN)** 09-3203814 & 09-3203826

2. APPLICANT

Name Kentlands II LLC c/o The Beatty Company
 Street Address 6824 Elm Street Suite No. 20C
 City McLean State VA Zip Code 22101
 Telephones: Work 703-821-0500 Home _____

3. CITY PROJECT NUMBER

Original Site Plan Number (if applicable) AFP-01-039 & K-1084
 Name of previously approved Final Plan (if applicable) Market Square Kentlands

4. ARCHITECT/ENGINEER/DEVELOPER

Architect's Name _____
 Architect's Maryland Registration Number _____ Telephone _____
 Street Address _____ Suite No. _____
 City _____ State _____ Zip Code _____

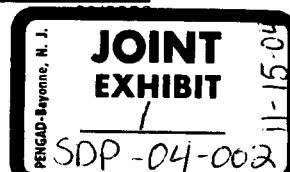
Engineer's Name Rodgers Consulting, Inc.
 Engineer's Maryland Registration Number _____ Telephone 301-948-4700
 Street Address 9260 Gaithersburg Rd. 19847 Century Blvd, Suite 200 Suite No. _____
 City Gaithersburg Germanatown State MD Zip Code 20874

Developer's Name Kentlands II LLC c/o The Beatty Company Telephone 703-821-0500
 Street Address 6824 Elm Street Suite No. 200
 City McLean State VA Zip Code 22101
 Contact Person Scott Cregger

4. PROPERTY OWNER

Name Kentlands II LLC c/o The Beatty Company
 Street Address 6824 Elm Street Suite No. 200
 City McLean State VA Zip Code 22101
 Telephones: Work 703-821-0500 Home _____

continued on reverse side



6. PRIMARY USE

x Mixed Use

Non-Residential

Residential

7. PROPOSED UNIT TYPE

Mixed Use

Office/Professional

x Restaurant

Retail/Commercial

Residential Multi-Family

Residential Single Family

Other

8. WORK DESCRIPTION

Bldg J (existing 6,000 sf retail) revised to restaurant and
6,200 sf restaurant added.

9. PROJECT DETAIL INFORMATION. Please supply the following information

DEVELOPMENT INFORMATION		REQUIRED	PROVIDED
1. Site(square feet)			6,200
2. Site Area (acres)			0.31
3. Total Number of Dwelling Units/Lots		—	
4. Height of Tallest Building		—	
5. Green Area (square feet)			
6. Number of Dwelling Units/Acre			
7. Lot Coverage (Percent)		—	
8. Green Area (Percent)		—	
9. Residential		—	
a. Single Family Detached	# Units		
b. Single Family Attached	# Units		
c. Multi-Family Condo	# Units		
d. Multi-Family Apartment	# Units		
e. Other			
10. Retail/Commercial	Sq. Ft.		12,200
11. Restaurant Class: A B C	Sq. Ft.		
12. Office/Professional	Sq. Ft.		
13. Warehouse/Storage	Sq. Ft.		
14. Parking		1,271	1,273
15. Shared Parking/Waiver			
16. Other			
17. Total			

SUBMISSION REQUIREMENTS

1. Set of plans per the respective checklist. Plans must be folded to 8 1/2 x 11."
2. Completion of the table above.
3. Completed checklist.
4. Fee as applicable.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Applicant's Name (please print) Gary F. Unterberg, agent, Rodgers Consulting, Inc.

Applicant's Signature Gary F. Unterberg, agent.
Daytime Telephone 301 948 4700

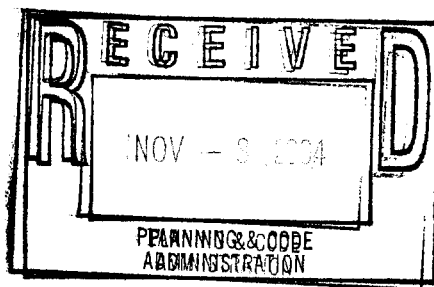
Date 8/13/04



Enhancing the value of land assets

November 8, 2004

City of Gaithersburg
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, MD 20877



Attention: Ms. Jacqueline Marsh
Associate Planner

Re: Market Square Kentlands/Lakelands
Amendment, SDP -04-002

Dear Ms. Marsh,

As you are aware, we are working with Kentlands II, LLC, c/o The Beatty Company, Inc., in connection with their continued development of Market Square. The approved Schematic Development Plan allows for the addition of a building site at the southwest corner near the Whole Foods grocery store. We have submitted a revised Schematic Development Plan (SDP 7-1) for approval to that includes the additional space as restaurant. We also have sought approval to reuse the long vacant space at the corner of Market Street, across from the theatre, for a new restaurant. The outdoor seating for the restaurants has been shown. Pursuant to various discussions with City staff, we have examined alternative parking scenarios in addition to the proposal submitted August 13, 2004. Our goal has been to seek the most appropriate method for approval of the new uses and the resulting parking.

Introduction/Overview

Based on Parking Studies we have conducted including physical counts of parking at peak periods, and our analysis of parking trends and standards used by other jurisdictions, we believe the proposed parking plan, along with using the approved/constructed building areas for restaurant use, will result in adequate parking for all existing and proposed uses. As those studies indicate, and as you may be aware, even at peak periods the southwest area where the additional restaurant space will be constructed has a substantial number of vacant spaces. The construction of the additional restaurant building at that location will not adversely affect the supply or availability of parking.

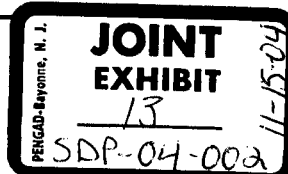
Based on your comments with respect to our initial parking proposal, we ask that the City approve a parking plan for Market Square based on an overall parking ratio of 4.5 parking spaces per 1,000 square feet of retail space, with additional parking for restaurant uses over 15% of the total floor area (8.5 spaces per 1,000 square feet in addition to the base rate of 4.5 spaces per 1,000 square feet, totaling 13 parking spaces for each additional 1,000 square feet of restaurant use over 15%). Second, to the extent required in order to allow continued use of approximately 25 parallel parking spaces along Market Street, we also ask for a waiver to allow a one way travel lane width of 14 feet versus the standard width of 21 feet.

Our request to use the parking ratio of 4.5 spaces, applicable to shopping centers with less than 250,000 square feet of total floor area, with our proposed total of 260,850 square feet, is based on the unique circumstances of this center. Market Square is not comparable to a large retail center along a highway nor to large regional malls where higher parking ratios are required by City code. By contrast, this is a mixed-use village center where thousands of people live within walking distance. Both the Market Square and Kentlands/Lakelands are specifically designed for their walkability. Customers of Market Square are attracted by the restaurants that serve as the anchors making Market Square economically viable. They come for dinner or a movie and then visit the local shops afterwards. In this way, one customer is visiting multiple stores but only needs one parking space compared to a suburban shopping center where many

LAND USE EVALUATION PLANNING CIVIL ENGINEERING SURVEYING NATURAL RESOURCES

19847 Century Blvd., Suite 200, Germantown, Maryland 20874
(301) 948-4700 FAX (301) 948-6256 FREDERICK (301) 253-6609

y:\589a4\2004 parking rev\corres\110804 sdp parking rev.doc



people come for one store alone. (Studies by the Congress for the New Urbanism and the Urban Land Institute endorse policies of reduced parking where development is walkable). Additionally, particularly in the south and west portion of Market Square occupied by Whole Foods and Michael's crafts, the peak demand for those uses does not conflict with the peak demand for the proposed restaurant. In fact, as shown by the parking study, the peak period in the evening experiences a particularly low parking demand around Michael's and Whole Foods. In short, we believe the proposed uses and parking system work well.

History/Existing Condition

Market Square has been modified multiple times over the years. The plans have been reviewed by the City several times for several changes to use, parking and architecture. Each time the process was a little different. Today the Market Square center has 1,279 spaces, not including the existing parallel parking along Market Street. The 'Parking Count Study' from April 2004 by Rodgers Consulting, Inc. shows that during periods of peak demand, (Friday evening at 8 pm), 976 cars were parked in the 1279 existing spaces. (22 cars are parked in the additional parallel spaces along Market Street and the parking lot). This leaves a large number of vacant spaces in the area of the new Building K.

Proposed Development

The new Building K is 6,200 sq. ft. of restaurant. The SDP revision also requests that Building 'J' (6,000 sq. ft.) be classified as a restaurant. The retail center total sq. ft. as proposed is 260,850 sq. ft. The total amount of restaurant use above the 15% allowed under retail use is 11,400 sq. ft.

August 2004 Proposed Parking

The original submittal proposed that 249,450 square feet of retail at the center be parked at 4.5 spaces per 1000 sq. ft. (retail centers from 0 to 250,000 sq. ft.) and the additional or new restaurant space would be parked separately at 13 spaces per 1000 sq. ft. per code. This proposal split the existing uses and the new restaurant uses and applied the parking requirements to two separate uses. In addition the existing parallel parking spaces on Market Street West and Market Street East were counted in the total.

November 2004 Proposed Parking Revision

Pursuant to conversations with Staff, we have reviewed the parking in a different manner which can be allowed under the provisions of the MXD Zone, providing for parking modifications. The request is to apply a parking ratio of 4.5 spaces per 1,000 square feet for the entire center of 260,850 square feet, given the unique "village center" nature of the retail and restaurant facilities and the extraordinary walkability of the area. In addition, we would provide an additional 8.5 spaces for each 1000 square feet of restaurant use over the 15% threshold resulting in 13 total spaces per 1000 square feet for such uses. With this modification the calculation produces a need of 1271 parking spaces.

Parking Waiver

There are a total of 22 proposed/existing parallel parking spaces that are not on the approved plan. These spaces are not included in the existing condition noted above. The majority of the spaces are located on Market Street West and Market Street East. They are added to the proposed parking, however, because the City has recognized that they exist and are being used today. By allowing for their continued use, we are able to address existing parking demands on the west side of Market Square. The use of these spaces results in a one-way travel lane width of 14 feet in lieu of the City standard of 21 feet. We note however, that many jurisdictions, including both Rockville and Montgomery County, allow one-way travel lanes ranging from 10 to 18 feet. Given the wording of the City's parking code, this would require a waiver allowed under section 24-222A.

In all cases the number of spaces that exists and the number of spaces used meet the needs of the retail, theatre and restaurant uses. The parking inventory from April 2004 documents this. There were 998 cars



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parked in the 1301 existing spaces at the busiest time. The approximate 300 spaces not used as documented on the parking inventory will support the proposed SDP revision.

We request the approval of the SDP revision as proposed per this letter. We are working with The Beatty Company updated the Building 'K' architecture. We look forward to presenting to the Mayor, Council and Planning Commission November 15, 2004.

If you have any questions please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary F. Unterberg", is written over the typed name and title.

Gary F. Unterberg
Vice President

CC: S. Cregger, The Beatty Company
R. Harris, Holland & Knight
G. Ossont, P&C
M. DePoe, P&C
File

Market Square Kentlands Parking Requirements November 8, 2004

* Existing Condition

Per 5/1,000 (Previously Approved)

Items	SF	Parking Requirement
Retail, Theater (5/1000 SF)	216,323	1081.6
Restaurant (5/1,000 SF) (15%)	38,327	191.6
Total Parking Required	254,650	1,274
Existing Parking Per Survey		1,279
Parking Surplus Existing/Approved		5
Additional Parking		22
Total Spaces Available		1301
Parking Surplus Existing:		27

** Retail to Restaurant (Bldg J) and Future Retail to Restaurant (Bldg K)

Per 4.5/1,000 SF and 8.5/1,000 SF:

Items	S.F.	Parking Requirement
Retail, Theater and Restaurant (15% of Retail):	260,850 (Includes 50,527 SF Restaurant)	1,173.8 (4.5/1,000 SF)
Restaurant (Area over 15% retail):	11,399.5	96.9 (8.5/1,000 SF)
Total Parking Required	260,850	1,271
Existing Parking Per Survey		1279
Parking Removed (Bldg K)		48 (-)
Parking Added (next to Bldg K)		11 (+)
Proposed Handicap Conversion (from Handicap to Regular Parking) (Total Handicap Space Required 23 Spaces and Provided 23)		5 (+)
Total Parking Provided		1247
Parking Deficit		24 (-)
Additional Parking		25***
Total Parking With Addition Parking		1271
Parking Surplus/Deficit		1

Note:

- * 1) Existing SDP parking based on 5 space/1000 SF for retail over 250,000 SF.
- ** 2) Proposed SDP parking based on 4.5 Spaces/1000 SF for total SF. (260,850 SF including 50,527 SF Restaurant) , restaurant area over 15% (11,399.5 SF) @ 8.5 spaces/1000 SF.
- *** 3) There are an additional 7 proposed parallel parking next to Bldg H; there are 9 proposed parallel parking spaces next to Bldg J; 4 proposed parallel parking next to Bldg G; 5 proposed parallel parking next to Bldg. E.



MARKET SQUARE
KENTLANDS/LAKELANDS

City of Gaithersburg
Gaithersburg election district No. 9
Montgomery County, Maryland

DATE	05/05	BY	RCI
DATE	05/05	BY	SP
DATE	05/05	BY	SP
DATE	05/05	BY	GU

PRODUCERS CONTACT:

RELEASE FOR

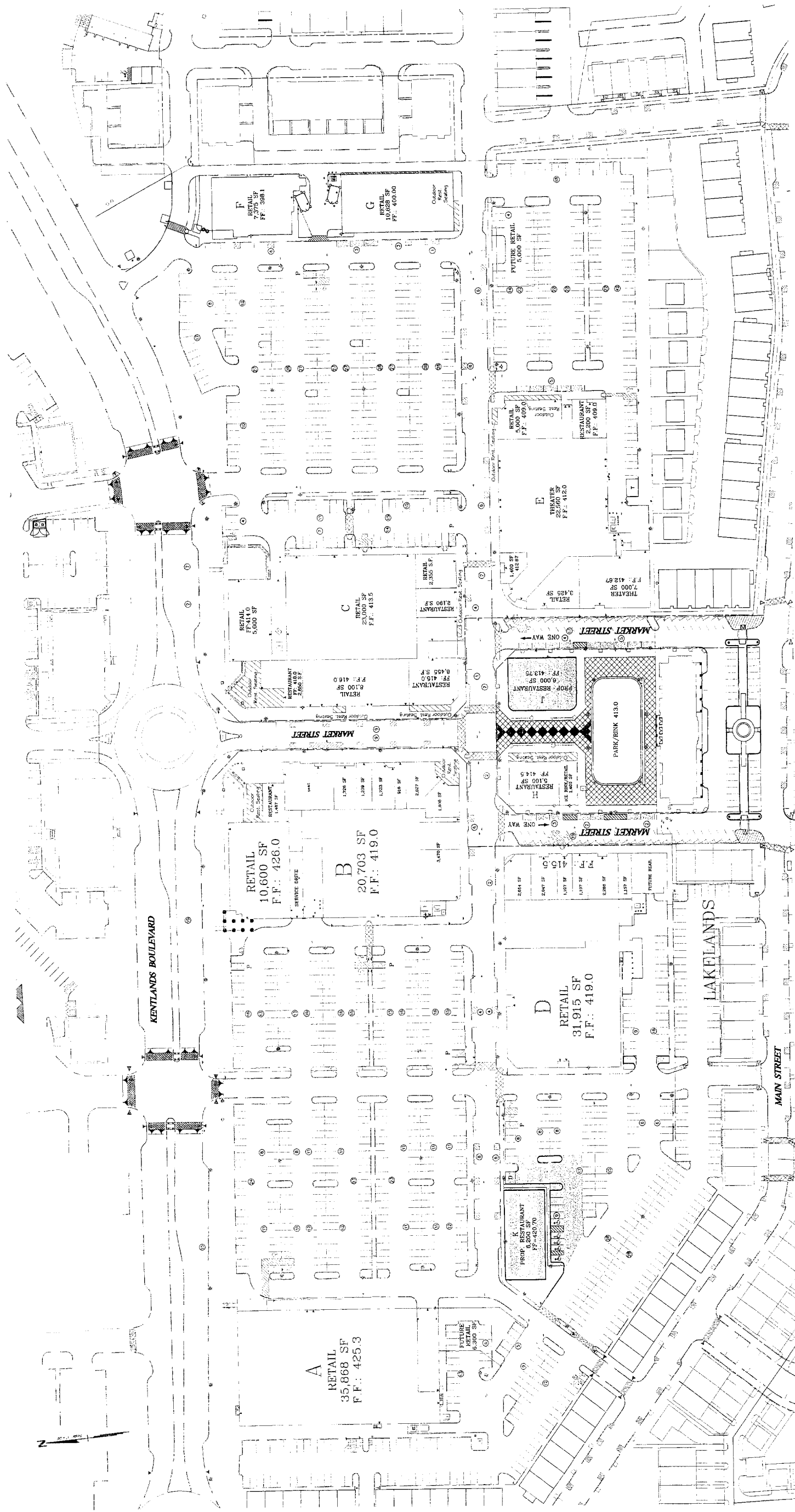
DATE

RODGERS
CONSULTING
Enhancing the value of land assets







SDP 7-1 Amendment
Site & Storm Drain Plan

Owner:
Kentlands II LLC, C/O The Beatty Company
6824 Elm Street
Suite 200
McLean, Virginia 22101
(703) 821-0500
Attn: Mr. Scott Cragger

REVISION	DATE	REVISION	DATE	REVISION
1	10/10/1990	1	10/10/1990	1
2	10/10/1990	2	10/10/1990	2
3	10/10/1990	3	10/10/1990	3
4	10/10/1990	4	10/10/1990	4
5	10/10/1990	5	10/10/1990	5
6	10/10/1990	6	10/10/1990	6
7	10/10/1990	7	10/10/1990	7
8	10/10/1990	8	10/10/1990	8
9	10/10/1990	9	10/10/1990	9
10	10/10/1990	10	10/10/1990	10
11	10/10/1990	11	10/10/1990	11
12	10/10/1990	12	10/10/1990	12
13	10/10/1990	13	10/10/1990	13
14	10/10/1990	14	10/10/1990	14
15	10/10/1990	15	10/10/1990	15
16	10/10/1990	16	10/10/1990	16
17	10/10/1990	17	10/10/1990	17
18	10/10/1990	18	10/10/1990	18
19	10/10/1990	19	10/10/1990	19
20	10/10/1990	20	10/10/1990	20
21	10/10/1990	21	10/10/1990	21
22	10/10/1990	22	10/10/1990	22
23	10/10/1990	23	10/10/1990	23
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60	10/10/1990	60	10/10/1990	60
61	10/10/1990	61	10/10/1990	61
62	10/10/1990	62	10/10/1990	62
63	10/10/1990	63	10/10/1990	63
64	10/10/1990	64	10/10/1990	64
65	10/10/1990	6		



LEGEND

- | | | | | | |
|---|---|---|---|---|---|
| PROP. GRADE | PROF. CURB & GUTTER | TOP OF CURB SPOT GRADE | FLOW LINE SPOT GRADE | HANDICAP RAMP | TRASH RECEPTACLE |
|  |  |  |  |  |  |

NOTE 5:

1. ALL PERIMETERS, PAVING EDGES AND ISLANDS SHALL BE CURBED.
2. CURBS, GUTTERS, SIDEWALKS AND PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO PROVIDE POSITIVE DRAINAGE OF ALL AREAS. THERE IS NO ACCUMULATION OF SURFACE WATER.
3. ALL PAVING, STORM DRAINAGE, UTILITIES AND IMPROVEMENTS ON THIS PARCEL ARE PRIVATE AND THE MAINTENANCE IS THE RESPONSIBILITY OF THE OWNER.

11-15-04
JOINT EXHIBIT 15
SDP-04-002
PENGAD-Bayonne, N. J.



SCALE: 1"=50'
JOB NO. C058844
DATE: 04/04
SHEET NO. C-1
Working Count Study

KENTLANDS/LAKELANDS
City of Catonsville
Catonsville election district No. 9
Montgomery County, Maryland
N. 100 West Gwynn's Falls Rd. Catonsville, MD 21034
510.356.1414

DATE	BY	REVISION
04/04	RD	DESIGNED
04/04	SP	SP
04/04	SP	SP
04/04	CU	CU
04/04	CU	CU

RELEASE FOR
FDR
RDGERS CONSULTING INC.
9201 Catonsville Road
Catonsville, MD 21037
301.948.0700
301.233.6609
www.rdgers.com

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Enhancing the value of land assets

Parking Count Study
FRIDAY: 8:00 PM, APRIL 30, 2004

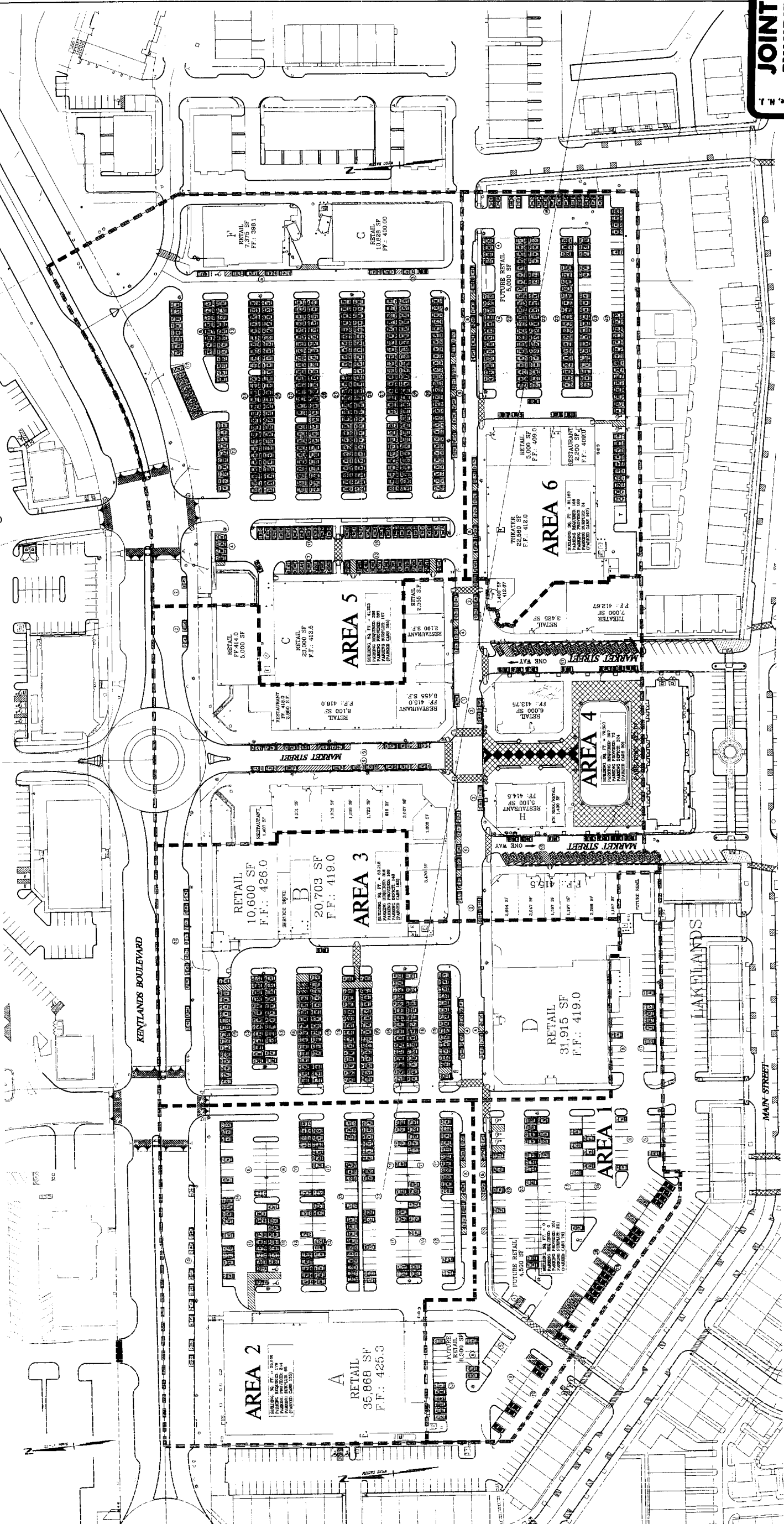
Contract Purchaser:
The Hearty Companies
7929 Jones Branch Drive
Suite 300 West
McLean, Virginia 22102
(703) 821-0360
Attn: Guy Deady

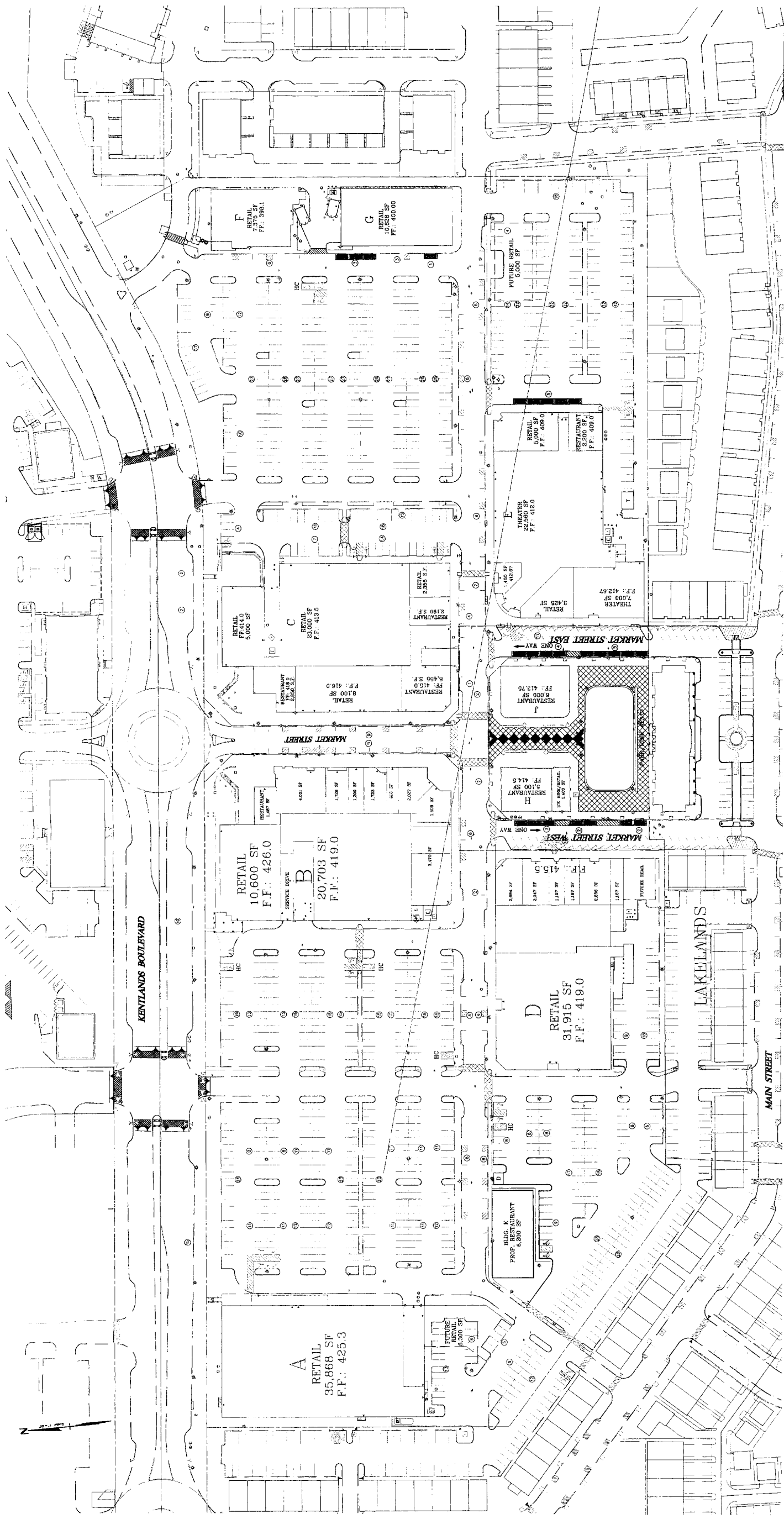
DATE	BY	REVISION
04/15	RD	DESIGNED
04/15	SP	SP
04/15	SP	SP
04/15	CU	CU
04/15	CU	CU

- LEGEND:
- PARKING IN APPROVED SITE: PLAN (955)
 - PARKING IN ADDITION TO SITE PLAN (22)
 - PARKING LIVEWORK UNITS (21)

SUMMARY:
TOTAL PARKING SPACES PROVIDED: 1279
TOTAL PARKING SPACES USED: 998

SDP-04-002





Parking Summary

	Existing Parking	
Parking Required (4,511,000 SF + 8.5/1,000SF)	1,271	
Bldg. K Parking Removed	48 (-)	
Bldg. K Parking Added	11 (+)	
Proposed Handicap Parking Conversion	5 (+)	
Proposed On Street Parking	25 (+)	
Total Parking Provided	1272	
Surplus	1	

BASE DATA	BY	DATE
DESIGN II	RCI	11/08
DRAWN		
REVIEWED		

RODGERS CONTACT: ☐

RELEASE FOR ☐

BY ☐ DATE ☐

Rodgers Consulting, Inc.
9260 Galther Road
Gaithersburg, MD 20877
301.948.4700
301.948.6256 (fax)
301.253.6609
www.rodgers.com

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Proposed Parking Scenario

Contract Purchaser:
The Beatty Companies
7929 Jones Branch Drive
Suite 300 West
McLean, Virginia 22102
(703) 821-0500
Attn.: Scott Greger

[illegible]

KENTLANDS/LAKELANDS

City of Gaithersburg
Gaithersburg election district No. 9
Montgomery County, Maryland

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**JOINT
EXHIBIT**

16

SDP-04-002

11-15-04

PENGAD-Bayonne, N. J.

SDP-04-002

SCALE: 1" = 50'	JOB No. 0589A4	DATE: 11/04	C-1	SHEET No. 1
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